

REMARKS

In the Final Office Action, the Office took the following actions:

1) rejected claims 1, 6-8, and 10-12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0140142 to Marples et al. ("Marples") and U.S. Patent No. 7,602,784 to Piche ("Piche");

2) rejected claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over *Marples* and *Piche*, and further in view of U.S. Patent Publication No. 2009/0019141 to Bush et al. ("Bush"); and

3) rejected claims 5, 9, and 13 under 35 U.S.C. § 103(a) as being unpatentable over *Marples* and *Piche*, and further in view of U.S. Patent Publication No. 2007/0067487 to Freebairn et al. ("Freebairn").

Applicant respectfully traverses the rejections and requests reconsideration and allowance of the pending claims for at least the reasons set forth below.

Rejection of Claims 1, 6-8, and 10-12 under 35 U.S.C. § 103

Applicant respectfully traverses the rejection of claims 1, 6-8, and 10-12 under 35 U.S.C. § 103(a) as being unpatentable over *Marples* in view of *Piche*, because a *prima facie* case of obviousness has not been established.

Independent claim 1 calls for a combination including, for example, "a signaling channel selection unit, which is used to select signaling transmission channel for transmitting the data so as to implement the convergence of signaling, a call channel selection unit, which is used to select a media-stream receiving port in the trusted node

for communicating with the internal network." *Marples* and *Piche*, whether taken alone or in combination, fail to teach or suggest at least this combination.

The Office acknowledges that *Marples* fails to teach "a signaling channel selection unit, which is used to select a signaling transmission channel for transmitting the data so as to implement the convergence of signaling, and a call channel selection unit, which is used to select a media-stream receiving port in the trusted node for communicating with the internal network." Final Office Action, p. 5. However, the Office points to *Piche*, col. 6, lines 52-65 and 66-67, as allegedly teaching such a combination. Applicant respectfully disagrees with the Examiner's assertion.

Piche, at col .6 lines 52-67, discloses:

(1) said second computer sending a UDP data packet using its designated internal receiving port to said first external network address and the designated internal transmitting port of said first computer;

(2) said first computer sending a UDP data packet using its designated internal transmitting port to said second external network address and the designated internal receiving port of said second computer; wherein said second computer sends said UDP data packet to said first computer prior to said first computer sending said UDP data packet to said second computer.

As seen above, *Piche* discloses the first computer uses its designated port for communicating data with a designated port of the second computer. That is, when the first computer needs to send data to the second computer, or the second computer needs to send data to the first computer, the first computer or the second computer only uses the designated port, but could not use other port for communicating. In other words, the first computer or the second computer does not make a choice for selecting a port from a plurality of ports for communicating. Thus, *Piche* does not teach or

suggest "selecting a signaling transmission channel" or "selecting a media-stream receiving port," as recited in claim 1. Thus, *Piche* does not compensate for the deficiencies of *Marples*.

Therefore, the Office has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and claim 1. Moreover, there is no motivation for one of ordinary skill in the art to modify the teachings of the references to achieve the claimed combinations. Thus, no reason has been clearly articulated as to why claim 1 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 1, and claim 1 is allowable.

Independent claim 6, although different in scope from claim 1, recites elements similar to claim 1 and is thus allowable for at least the reasons discussed above with respect to claim 1. Claims 7-8 and 10-12 depend from claim 6 and are allowable at least by virtue of their dependence from claim 6.

Rejection of Claims 3 and 4 under 35 U.S.C. § 103

Applicant respectfully traverses the rejection of claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over *Marples* and *Piche*, and further in view of *Bush* because a *prima facie* case of obviousness has not been established.

First, Applicant points out that *Bush* does not qualify as prior art. The priority date of the present application is January 5, 2004 (filing date of CN 200410000042.1), which is earlier than both the publication date (January 15, 2009) and the priority date (December 7, 2004) of *Bush*.

Moreover, claims 3 and 4 depend from claim 1. As discussed above in connection to the rejection of claim 1, *Marples* and *Piche*, whether taken alone or in combination, fail to teach or suggest at least “a signaling channel selection unit, which is used to select a signaling transmission channel for transmitting the data so as to implement the convergence of signaling, and a call channel selection unit, which is used to select a media-stream receiving port in the trusted node for communicating with the internal network,” as recited in claim 1 and included in claims 3 and 4. The Office asserted that *Bush* discloses the elements recited in claims 3 and 4. See Final Office Action, p. 8. Without acquiescing to this assertion, Applicant respectfully submits that *Bush* (not qualified as prior art, as discussed above) also fails to teach or suggest the above-noted element, and thus does not compensate for the deficiencies of *Marples* and *Piche*.

Therefore, the Office has neither properly determined the scope and content of the prior art, nor properly ascertained the differences between the prior art and claims 3 and 4. Moreover, there is no motivation for one of ordinary skill in the art to modify the teachings of the references to achieve the claimed combinations. Thus, no reason has been clearly articulated as to why claims 3 and 4 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claims 3 and 4, and claims 3 and 4 are allowable.

Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 3 and 4 under 35 U.S.C. § 103(a).

Rejections of Claims 5, 9, and 13 under 35 U.S.C. § 103

Applicant respectfully traverses the rejection of claims 5, 9, and 13 under 35 U.S.C. § 103(a) as being unpatentable over *Marples* and *Piche*, and further in view of *Freebairn* because a *prima facie* case of obviousness has not been established.

Claim 5 depends from claim 1 and claims 9 and 13 ultimately depend from claim 6. As discussed above in regard to the rejection of claim 1, *Marples* and *Piche*, whether taken alone or in combination, fail to teach or suggest at least "a signaling channel selection unit, which is used to select a signaling transmission channel for transmitting the data so as to implement the convergence of signaling, and a call channel selection unit, which is used to select a media-stream receiving port in the trusted node for communicating with the internal network," as recited in claim 1, and similarly recited in claim 6. The Office asserted that *Freebairn* discloses the elements recited in claims 5 and 9. See Final Office Action, pp. 8-9. Without acquiescing to this assertion, Applicant respectfully submits that *Freebairn* also fails to teach or suggest the above-noted element, and thus does not compensate for the deficiencies of *Marples* and *Piche*.

Therefore, the Office has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and claims 5, 9, and 13. Moreover, there is no motivation for one of ordinary skill in the art to modify the teachings of the references to achieve the claimed combinations. Thus, no reason has been clearly articulated as to why claims 5, 9, and 13 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of

obviousness has not been established with respect to claims 5, 9, and 13, and claims 5, 9, and 13 are allowable.

Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 5, 9, and 13 under 35 U.S.C. § 103(a).

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to certain assertions or requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

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Dated: January 18, 2011

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